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In the Supreme Court of the United States

OCTOBER TERM, 1942

No. 690

OGDEN H. HAMMOND, JR., PETITIONER

v.

CORDELL HULL, ET AL.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

BRIEF FOR THE RESPONDENTS IN OPPOSITION

OPINIONS BELOW

The opinion of the District Court of the United States for the District of Columbia (R. 88–89) is unreported. The opinion of the United States Court of Appeals for the District of Columbia (R. 97–103) is reported in 131 F. (2d) 23.

JURISDICTION

The judgment of the United States Court of Appeals for the District of Columbia was entered on October 12, 1942 (R. 104). A petition for rehearing was denied on November 7, 1942 (R. 129). The petition for writ of certiorari

was filed February 1, 1943. The jurisdiction of this Court is invoked under Section 240 (a) of the Judicial Code, as amended by the Act of February 13, 1925.

QUESTION PRESENTED

Whether, after receiving a preliminary rating of unsatisfactory, a Foreign Service officer of the United States, under the circumstances of this case, is entitled to mandatory, injunctive, and declaratory relief, reinstating him in good standing in the Foreign Service and directing a full hearing to determine the truth of certain charges alleged to have resulted in his unsatisfactory rating.

STATUTE INVOLVED

The pertinent provisions of the statute involved are set forth in an Appendix (pp. 18–20, *infra*).

STATEMENT

On or about March 22, 1939, petitioner became a Foreign Service officer of the United States (R. 3). After serving as Vice-Consul in Vienna and Leipsig from April 3, 1939 to February 21, 1940, he was transferred to the Foreign Service Officers' Training School in the Department of State in Washington, D. C., from which he graduated in June 1940. From June 1940 until December 27, 1940, he was assigned to duty in the Division of Cultural Relations of the Department of State. On December 27, 1940, petitioner was

granted leave of absence with full pay (R. 3, 56, 62).

On March 7, 1941 the Foreign Service Personnel Board of the Department of State, composed of Assistant Secretaries of State G. Howland Shaw, A. A. Berle, Jr., and Dean Acheson (respondents herein), determined that petitioner's efficiency rating was unsatisfactory within the meaning of Section 33 of the Act of February 23, 1931 (c. 276 46 Stat. 1207, 1215; 22 U. S. C. § 23i), and submitted this determination, together with a review of petitioner's record, to the Secretary of State, who confirmed the determination on the same date (Appendix pp. 21–22, *infra*).

Petitioner was notified of this determination on March 14, 1941 (R. 19), through letters dated March 7, 1941, and signed by respondent Shaw for the Secretary of State (R. 64–66). These letters also informed petitioner that he was assigned as Vice-Consul at Montreal upon the expiration of his leave of absence (which was extended to April 1, 1941 (R. 19)), and that "After a reasonable period of service at that post, your rating will be further considered in due conformity with the provisions of section 33" of the Act of February 23, 1931 (R. 64–66). In a letter dated March 14, 1941, petitioner acknowledged receipt of the notification of unsatisfactory rating, but served notice that he regarded the "purported rating" to be "strictly illegal because the requirements" of see-

tion 32 of the 1931 Act "have not been met" (R. 68). In a letter dated March 16, 1941, petitioner notified Secretary of State Hull that unless he was informed by March 18, 1941, "whether the Department desires an amicable adjustment without litigation" he would instruct his attorneys to institute an action (R. 69–71).

On March 18, 1941, before the expiration of his leave with pay, petitioner filed his complaint in the present case against Secretary of State Cordell Hull, Assistant Secretaries of State Adolph A. Berle, Jr., Breckinridge Long, Dean Acheson, and G. Howland Shaw, and John G. Erhardt, Chief of the Division of Foreign Service Personnel, Department of State, suing each individually and *ex officio* (R. 1–27). The complaint charged that the action of the officers of the Department of State in rating petitioner "unsatisfactory" was illegal because he had not been accorded a hearing or opportunity to reply, alleged to be required by Sections 32 and 33 of the 1931 Act (R. 11–14), because the rating was the result of the fraud and malice of respondents Berle and Shaw (R. 9, 12), and because it was based not upon the criteria specified in the 1931 Act but upon the unfounded charges that petitioner had publicly mimicked the President and had had dealings with an alleged agent of a foreign government (R. 4, 5, 9, 10). The complaint sought mandatory, injunctive, and declaratory relief (R. 24–27), including an order

(1) directing respondents to determine after a full hearing the truth or falsity of the two alleged charges concerning petitioner, (2) adjudging that petitioner "now is in good and satisfactory standing as an officer of the Foreign Service," and (3) declaring respondents' conduct illegal and void (R. 24–27).

On March 29, 1941, the district court dismissed the complaint on the grounds that it failed to state a cause of action and was premature (R. 88, 89). The United States Court of Appeals for the District of Columbia affirmed (R. 104), holding that respondents had fully complied with the procedural requirements of Sections 32 and 33 of the 1931 Act (R. 97–103). Subsequently, the Court of Appeals denied a petition for rehearing (R. 104–120), and a motion to supplement the complaint by alleging that on April 17, 1941, petitioner was dismissed from the Foreign Service without hearing (R. 121–123).

ARGUMENT

I

The employment, supervision, and discharge of personnel in the executive branch of the Government is an administrative matter with which the judiciary will not ordinarily interfere, whether by mandamus to reinstate a dismissed employee or by compelling continued payment of his salary. *Keim* v. *United States,* 177 U. S. 290, 296; *Eber-*

lein v. *United States,* 257 U. S. 82, 84; *United States ex rel. Taylor* v. *Taft,* 24 App. D. C. 95, writ of error dismissed, 203 U. S. 461; *United States ex rel. Crow* v. *Mitchell,* 89 F. (2d) 805 (App. D. C.). The courts will intervene by mandamus only where the administrative officer in discharging the employee has violated some provision of law or has failed to follow the procedure prescribed by statute. *Levine* v. *Farley,* 107 F. (2d) 186 (App. D. C.), certiorari denied, 308 U. S. 622; *Love* v. *United States,* 108 F. (2d) 43 (C. C. A. 8), certiorari denied, 309 U. S. 673; cf. *Dismuke* v. *United States,* 297 U. S. 167, 171, 172. The Declaratory Judgment Act (48 Stat. 955; 28 U. S. C. § 400) did not broaden judicial supervision over the executive departments. *Love* v. *United States, supra.*

In the instant case, petitioner charges that Sections 32 and 33 of the Act of February 23, 1931 (Appendix, pp. 18–20 *infra*) were violated (1) because respondents rated him unsatisfactory on the basis of charges against him without giving him "an opportunity to be represented and heard by counsel" (Pet. 18); (2) because his rating was not confirmed by the Secretary of State; and (3) because respondents Berle and Shaw were actuated by malice against him. But both courts below found from the complaint and exhibits thereto that the facts did not sustain ~~the general obligations~~ these three allegations and consequently the questions of law which petitioner seeks to have

reviewed are not raised. None of his contentions has merit and none presents a question for further review.

1. Section 32 of the Act of February 23, 1931 provides:

> No charges against an officer that would adversely affect his efficiency rating or his value to the service, if true, shall be taken into consideration in determining his efficiency rating except after the officer shall have had opportunity to reply thereto. * * *

Petitioner asserts that his preliminary rating of unsatisfactory was based upon charges that he had publicly mimicked the President and had had improper dealings with a foreign agent, and that he was denied the required "opportunity to reply thereto". The district court found, however that "No charge was filed by or before the Board of Foreign Service Personnel against the plaintiff that adversely affected his efficiency rating or his value in the service or otherwise (R. 91). The court below held (R. 100) that this finding was amply supported by a letter dated March 7, 1941, from respondent Shaw to petitioner (R. 64–65) annexed to the complaint as Exhibit G, in which it was stated:

> It has been determined *from a review of your record* as a foreign service officer that your efficiency rating is unsatisfactory. * * *" [Italics supplied.]

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Since petitioner's preliminary efficiency rating of "unsatisfactory" was based upon his service record and not upon charges, the provision in the 1931 Act concerning the "opportunity to reply" is irrelevant. The term "charges" obviously does not include matters appearing in the officer's service record and the statute makes plain that in giving the rating any "charges" may be disregarded and the rating based on the service record alone.[1]

But even if "charges" adversely affecting petitioner's efficiency rating were taken into consideration, nevertheless it would be plain that the mandate of the statute has been obeyed. Petitioner's complaint and exhibits demonstrate that, after the respondent Berle at an interview related to petitioner the two stories about him and asked for his resignation, petitioner transmitted proof "to show the falsity" of these stories, with supporting affidavits "to the Division of Foreign Service Personnel as he had been requested on November 8, 1940 so to do by the defendant Shaw" (R. 6), stating that his affidavit was "*executed in reply to certain charges against me* which I understand *are under consideration* by the Division of Foreign Service Personnel" (R. 29). [Italics supplied.]

It is clear from the scheme of Sections 32 and 33 that the opportunity to reply to charges re-

[1] Cf. *Longfellow* v. *Gudger*, 16 F. (2d) 653, 656 (App. D. C.).

ferred to in Section 32 does not require a formal hearing with the right to counsel at this stage of the administrative process and therefore that petitioner received all the notice and opportunity to reply that the statute requires. Section 32 directs the Division of Foreign Service Personnel to assemble and record "all available information in regard to the character, ability, conduct, quality of work, industry, experience, dependability and general availability of Foreign Service officers," and to appraise such information at least once in two years and give the officer an "efficiency rating" of "excellent, very good, satisfactory, or unsatisfactory," subject to the proviso that no charges against an officer shall be taken into consideration without affording him an *"opportunity to reply."* Section 33 then provides that when a determination of an unsatisfactory efficiency rating has been confirmed by the Secretary of State, the officer is to be so notified, and if after a reasonable period his rating is still found to be unsatisfactory and such finding is confirmed by the Secretary of State *"after a hearing accorded the officer,"* he is to be separated from the service. [See Appendix, pp. 18–20, *infra;* italics supplied.] Thus, the rating given under Section 32 is provisional only. To construe the phrase "opportunity to reply" as requiring that a formal hearing be provided the officer with right to representation by counsel would distort the meaning of a plain statutory term and run counter to a policy expressed in the

legislative history.[2] Hearings at this stage in the administrative procedure would prejudice the flexibility and efficiency of the procedure for selecting and training Foreign Service officers; a public contest between the Department and the officer might hamper a mutually satisfactory adjustment during the probationary period. Consequently, although an adequate opportunity to answer charges must be given, it is essential that service records, including such matters, be first evaluated and that hearings be deferred until the final definitive determination of dismissal is under consideration pursuant to Section 33. The contrast between the term "opportunity to reply" in Section 32 and "after a hearing" in Section 33 confirms this plain interpretation.[3]

Consequently the procedure adopted by the Department of State in the instant case complies with the letter and purposes of the statute. And, in any event, it cannot be regarded as so

---

[2] In the Conference Report of February 17, 1931, to the House of Representatives, on the bill that became the Act of February 23, 1931, it was stressed that the enactment of the bill would "assure the continuance of policies with respect to personnel administration which have been tested and found by experience to be equitable and desirable, *without, however, placing any burdensome restraint upon the executive authority of the President and the Secretary of State over the Foreign Service.*" [Italics supplied.] H. Rep. No. 2702 (71st Cong., 3rd Sess.), p. 14.

[3] Cf. Section 6 of the Civil Service Act of August 24, 1912 (37 Stat. 555; 5 U. S. C. § 652); cf. *Longfellow* v. *Gudger*, 16 F. (2d) 653 (App. D. C.).

clearly erroneous or arbitrary a construction as to warrant judicial intervention by mandamus or injunction. *United States ex rel. Ness* v. *Fisher,* 223 U. S. 683, 691; *United States ex rel. Hall* v. *Payne,* 254 U. S. 343, 347; *Wilbur* v. *United States ex rel. Kadrie,* 281 U. S. 206; *Red Canyon Sheep Co.* v. *Ickes,* 98 F. (2d) 308, 322 (App. D. C.).

2. Petitioner contends (Pet. p. 25) that his rating of unsatisfactory was not confirmed by the Secretary of State and is therefore void. The records of the Department of State reveal, however, that petitioner's efficiency rating of unsatisfactory was confirmed by the Secretary of State on March 7, 1941.[4] As a record of an executive department of the United States, this confirmation may be judicially noticed in the federal courts (*Jones* v. *United States,* 137 U. S. 202, 214, 216, 224; *New York Indians* v. *United States,* 170 U. S. 1, 32; *United States* v. *Brewer-Elliott Oil & Gas Co.,* 249 Fed. 609 (W. D. Okla.)),[5] and by an appellate court even if the

[4] A certified copy of a letter of March 7, 1941, from the Foreign Service Personnel Board to the Secretary of State, reporting petitioner's unsatisfactory rating, and containing the Secretary's confirmation thereof, has been filed with the Clerk of this Court. It is also set out in the Appendix, pp. 21–22, *infra.*

[5] See also *Caha* v. *United States,* 152 U. S. 211, 221; *Verde River Irrigation & Power Dist.* v. *Salt River Valley Water Users' Assn,* 94 F. (2d) 936 (C. C. A. 9); *Red Canyon*

lower court failed to do so.[6] *New York Indians* v. *United States*, 170 U. S. 1, 32; cf. *American Legion Post No. 90* v. *First Nat. Bank & Trust Co.*, 113 F. (2d) 868, 872 (C. C. A. 2). And since the allegation in petitioner's complaint that the unsatisfactory rating was never confirmed by the Secretary of State (R. 13) is in square conflict with facts judicially noticeable by the court, it was not admitted by the motion to dismiss. *Fletcher* v. *Jones*, 105 F. (2d) 58 (App. D. C.), certiorari denied, 308 U. S. 555; *Greeson* v. *Imperial Irr. Dist.*, 59 F. (2d) 529, 530 (C. C. A. 9).

3. Petitioner also advances as ground for certiorari a statement of the court below which he takes to mean that "actual malice in a public officer is immaterial and does not subject such officer to any judicial review" (Pet. pp. 28–34).

Sheep Co. v. *Ickes*, 98 F. (2d) 308 (App. D. C.); *Fletcher* v. *Jones*, 105 F. (2d) 58 (App. D. C.), certiorari denied, 308 U. S. 555.

[6] The district court found as a fact that on March 7, 1941, the Secretary of State confirmed the determination of the Board of Foreign Service Personnel (R. 91). The fact of such confirmation appeared from the affidavits of respondents Berle, Shaw and Acheson, which had been submitted to the district court in opposition to petitioner's motion for a temporary injunction. Even if these affidavits are not part of the record for the purpose of a motion to dismiss the complaint (*Polk Company* v. *Glover*, 305 U. S. 15, 19; *Gibbs* v. *Buck*, 307 U. S. 66), the power of the court to take judicial notice of the confirmation rendered harmless the error, if any, in considering such affidavits. The Court of Appeals made no reference in its opinion to the issue of confirmation by the Secretary of State.

This paraphrase is misleading for the court below in effect simply restated (R. 102) the accepted doctrine that the order of an administrative officer within the scope of his authority, if it was not arbitrary and was justified by a lawful purpose, is not rendered invalid because some other motive was in the officer's mind. *Isbrandtsen-Moller Co.* v. *United States,* 300 U. S. 139, 145; *Duke Power Co.* v. *Greenwood County,* 91 F. (2d) 665, 675 (C. C. A. 4), affirmed on other grounds, 302 U. S. 485; cf. *Spalding* v. *Vilas,* 161 U. S. 483, 498.

But that doctrine is not involved here. The statements of the court below in regard to the effect of malice were entirely *obiter.* The district court found (R. 92) and the court below recognized (R. 102), that the exhibits attached to petitioner's complaint contradicted the allegations in the complaint charging malice, fraud, and other improper motives. The conflict between the allegations of the complaint and the exhibits must be resolved in favor of the exhibits. *Simmons* v. *Peavy-Welsh Lumber Co.,* 113 F. (2d) 812 (C. C. A. 5), certiorari denied, 311 U. S. 685. And the motion to dismiss did not admit allegations in the complaint that are mere conclusions unsupported by any facts pleaded (see *Isbrandtsen-Moller Co.* v. *United States,* 300 U. S. 139, 145). Since, therefore, there was no showing of malice, it is immaterial what effect, if any, proof of malice would have had upon the case.

II

The decision below may also be sustained on the ground that petitioner's resort to the courts was premature. The complaint itself reveals that petitioner, at the time of the filing of the complaint, had been given only a provisional unsatisfactory rating which was subject to being superseded, after the probationary period, by an improved rating removing any stigma or prejudice from the prior rating. As pointed out above (p. 9, *supra*), under Section 33, after a Foreign Service officer is rated unsatisfactory, his record must again be reviewed and he must be given a hearing before he can be separated from the service. Hence, petitioner's case had reached only an intermediate stage in the administrative proceeding and it was proper for the district court to deny judicial aid on the ground that he had not exhausted his administrative remedy. *Goldsmith* v. *Board of Tax Appeals,* 270 U. S. 117; *Myers* v. *Bethlehem Corp.,* 303 U. S. 41, 50; *Farley* v. *Abbetmeier,* 114 F. (2d) 569 (App. D. C.); *Johnson* v. *United States,* 126 F. (2d) 242 (C. C. A. 8).

While an administrative remedy need not be sought if it is inadequate or if to pursue it would be futile (see *Petersen Baking Co.* v. *Bryan,* 290 U. S. 570, 575), no such situation is here presented for it cannot be presumed that the Department of State will refuse petitioner a fair hearing at the appropriate stages of the administrative

proceedings. Cf. *Anniston Mfg. Co.* v. *Davis,* 301 U. S. 337, 357; *Farley* v. *Abbetmeier,* 114 F. (2d) 569 (App. D. C.). Mere allegations of an intent on the part of the administrative officer to deny the relief sought will not avoid the necessity of exhausting the administrative remedy before applying to the courts (cf. *Gilchrist* v. *Interborough Co.,* 279 U. S. 159, 208–209) and unsupported charges of malice and fraud can scarcely be more effective in this regard. In essence, the complaint is based upon an assumed potential invasion of the petitioner's rights, a claim ordinarily insufficient to warrant judicial intervention. *Ashwander* v. *Tennessee Valley Authority,* 297 U. S. 288, 324; *Arizona* v. *California,* 283 U. S. 423, 462; *Wallace* v. *Ganley,* 95 F. (2d) 364 (App. D. C.).

III

Together with his petition, petitioner has filed a motion asking that the cause be remanded to the district court with directions to permit the filing of a supplemental complaint alleging that after the institution of the present action he was dismissed from the Foreign Service in violation of Section 33 (Pet. 45–49, R. 123).[7] The motion should be denied. A supplemental bill may not

[7] If petitioner had in fact been dismissed, there might be some question whether the case is moot. But we deny that he has been dismissed. He is on leave of absence and for that reason some of the relief sought could be awarded, if it were proper, notwithstanding the subsequent events.

be filed where the original bill states no grounds for relief.[8] *Mellor* v. *Smither,* 114 Fed. 116, 120 (C. C. A. 5); *Putney* v. *Whitmire,* 66 Fed. 385, 388 (C. C. S. C.); *New York Security & Trust Co.* v. *Lincoln St. Ry. Co.,* 74 Fed. 67, 68 (C. C. Neb.); *Chicago Grain Door Co.* v. *Chicago, B. & Q. R. Co.,* 137 Fed. 101 (C. C. Ill.); *Kryptok* v. *Haussmann & Co.,* 216 Fed. 267 (E. D. Pa); see also state court decisions collected, 21 C. J., Equity, § 666; 30 C. J. S., Equity, § 429 (c).

Furthermore, the same motion was made and denied in the court of appeals. The motion was addressed to its discretion, *General Inv. Co.* v. *Lake Shore Ry.,* 260 U. S. 261, 281, and since it could reasonably have found that it would be fairer to respondents and make for more orderly conduct of this litigation to require petitioner to file a new bill, there was no abuse of discretion. Consequently, this Court should not in effect reverse the action of the court of appeals by granting an identical motion.

CONCLUSION

The decision below is correct. There is no conflict of decisions and no question of general importance is presented. It is respectfully submitted that the petition for certiorari and the

[8] See Point I, *supra,* p. 5.

motion to supplement the complaint should be denied.

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MARCH 1943.

APPENDIX

I. Section 32 of the Act of February 23, 1931, c. 276, 46 Stat. 1214 (22 U. S. C. § 23h) provides:

> The Division of Foreign Service Personnel shall assemble, record, and be the custodian of all available information in regard to the character, ability, conduct, quality of work, industry, experience, dependability and general availability of Foreign service officers, including reports of inspecting officers and efficiency reports of supervising officers. All such information shall be appraised at least once in two years and the result of such appraisal expressed in terms of excellent, very good, satisfactory, or unsatisfactory, accompanied by a concise statement of the considerations upon which they are based, shall be entered upon records to be known as the efficiency records of the officers, and shall constitute their efficiency ratings for the period. *No charges against an officer that would adversely affect his efficiency rating or his value to the service, if true, shall be taken into consideration in determining his efficiency rating except after the officer shall have had opportunity to reply thereto.* The Assistant Secretary of State supervising the Division of Foreign Service Personnel shall be responsible for the keeping of accurate and impartial efficiency records of Foreign Service officers and shall take all measures necessary to ensure their accuracy and impartiality. Not later than November 1

at least every two years, the Division of Foreign Service Personnel shall, under the supervision of the Assistant Secretary of State, prepare a list in which all Foreign Service officers shall be graded in accordance with their relative efficiency and value to the service. In this list officers shall be graded as excellent, very good, satisfactory, or unsatisfactory with such further subclassification as may be found necessary. All officers rated satisfactory or above shall be eligible for promotion in the order of merit to the minimum salary of the next higher class. This list shall not become effective in so far as it affects promotion until it has been considered by the Board of Foreign Service Personnel hereinbefore provided for and approved by the Secretary of State: *Provided,* That this list shall not be changed before the next succeeding list of ratings is approved except in case of extraordinary or conspicuously meritorious service or serious misconduct and any change for such reasons shall be made only after consideration by the Board of Foreign Service Personnel and approval by the Secretary of State, and the reasons for such change when made shall be inscribed upon the efficiency records of the officers affected. From this list of all Foreign Service officers recommendations for promotion shall be made in the order of their ascertained merit within classes. Recommendations shall also be made, in order of merit, as shown by ratings in the examinations for appointment to the unclassified grade, with commissions also as diplomatic secretaries and vice consuls, of those who have successfully passed the examinations.

> All such recommendations shall be submitted to the Secretary of State for his consideration and if he shall approve, for transmission to the President.
>
> The correspondence and records of the Division of Foreign Service Personnel shall be confidential except to the President, the Secretary of State, the members of the Board of Foreign Service Personnel, the Assistant Secretary of State supervising the division, and such of its employees as may be assigned to work on such correspondence and records. (Italics supplied.)

II. Section 33 of the Act of February 23, 1931, c. 276, 46 Stat. 1215 (22 U. S. C. § 23i) provides in part:

> * * *. Whenever it is determined that the efficiency rating of an officer is unsatisfactory, thereby meaning below the standard required for the service, and such determination has been confirmed by the Secretary of State, the officer shall be notified thereof, and if, after a reasonable period to be determined by the circumstances in each particular case, the rating of such officer continues to be found unsatisfactory and such finding is confirmed by the Secretary of State *after a hearing accorded the officer,* such officer shall be separated from the service with the annuity or bonus provided in this section, but no officer so separated from the service shall receive the said annuity or bonus unless at the time of separation he shall have served at least fifteen years. * * *

V

III. The files of the Department of State contain the following document, a certified copy of which has been filed with the Clerk of this Court:

DEPARTMENT OF STATE,
Washington, March 7, 1941.

To the SECRETARY OF STATE:

In accordance with the provisions of Section 33 of the Act of February 23, 1931, the pertinent part of which reads as follows:

"Whenever it is determined that the efficiency rating of an officer is unsatisfactory, thereby meaning below the standard required for the Service, and such determination has been confirmed by the Secretary of State, the officer shall be notified thereof, and if, after a reasonable period to be determined by the circumstances in each particular case, the rating of such officer continues to be found unsatisfactory and such finding is confirmed by the Secretary of State, after a hearing accorded the officer, such officer shall be separated from the Service * * *."

the Foreign Service Personnel Board submits herewith a review of the record of Ogden H. Hammond, Jr., a Foreign Service Officer, Unclassified, on probationary status, whose record has been determined to be Unsatisfactory within the meaning of the Act hereinbefore cited. If, after a reasonable period, his rating continues to be unsatisfactory, it will become necessary to resolve his case in due conformity with the

provisions of Section 33 of the Act of February 23, 1931.

Respectfully submitted,

Foreign Service Personnel Board:

G. HOWLAND SHAW, *Chairman.*
A. A. BERLE, Jr.
DEAN ACHESON.

I hereby confirm the determination by the Board of Foreign Service Personnel that the efficiency rating of Ogden H. Hammond, Jr., a Foreign Service Officer, Unclassified, is Unsatisfactory.

CORDELL HULL,
Secretary of State.

March 7, 1941.

Enclosure:

Review of the Record of Mr. Hammond.

U. S. GOVERNMENT PRINTING OFFICE: 1943